

WORKFORCE INVESTMENT ACT CALIFORNIA RAPID RESPONSE ASSISTANCE APPLICATION GUIDELINES

INTRODUCTION

Under the Workforce Investment Act (WIA), the source of Rapid Response (RR) funding is the reservation for statewide activities described in Sections 133(a)(2) and 134(a)(2)(A)(i).

The following application guidelines are based on Sections 101(38) and 134(a)(2)(A)(i) of the WIA, Sections 665.300 through 665.330 of 20 Code of Federal Regulations (20 CFR) 652 et al., the WIA Final Rules, pages 49358 and 49359 of the August 11, 2000, issue of the *Federal Register*, and Section IV.B.13 of *California's Strategic Five-Year Plan*.

The specific definition and descriptions of RR activities found in the above-cited provisions of the law, the federal regulations, the summary and explanation of the Final Rules (referred to hereafter as the "Preamble"), and the State Plan are controlling in respect to this application process and the delivery of RR activities throughout California.

REQUIRED AND ALLOWED RR ACTIVITIES

The RR activities are those that are necessary to plan and deliver services to enable dislocated workers to transition to new employment as quickly as possible following a permanent closure or mass layoff or a natural or other disaster that results in a mass job dislocation [20 CFR 665.300(a)].

Applicants must provide or ensure the provision of the full range of required RR activities in the local workforce investment areas (LWIA) covered by the application. Applicants may also request funding for allowable RR activities as described below.

A. Required RR Activities

Recipients of RR funds must provide or ensure the provision of the full range of required RR Activities in response to all permanent closures, mass layoffs, and natural or other disasters that result in mass job dislocations in their LWIA. The State encourages LWIAs to cooperate on a regional basis with other recipients of RR funds to respond to such events that have a regional impact. RR teams from the LWIAs will determine which potential events (if any) necessitate a regional approach. The required activities are listed in WIA Section 101(38) and in 20 CFR 665.310. Recipients of RR funds must also provide or ensure provision of the required RR activities to assist workers in their areas in respect to which the Governor has made the preliminary finding described in 20 CFR 665.330. To preclude the need for each applicant to restate the required RR activities, a summary, adapted for purposes of this application process, has been preprinted into

the application narrative template. No specific description of these required RR activities is necessary.

B. Allowed RR Activities

To prepare for providing effective RR upon notification of a permanent closure or mass layoff, or a natural or other disaster resulting in a mass job dislocation, applicants for RR funds *may* request funding of any of the allowed activities specified in 20 CFR 665.320. To make it unnecessary for each applicant to restate the allowed RR Activities and to promote format consistency among all of the applications, summaries of the allowed activities, adapted for purposes of this application process, have been preprinted into the application narrative template. Applicants must provide brief, specific descriptions of how they plan to use RR funds for allowable activities. These descriptions must demonstrate clearly that the planned uses are all consistent with one or more of the 20 CFR 665.320 definitions of allowable activities and are appropriate to the needs of and conditions in their LWIAs.

PROHIBITED ACTIVITIES

The use of RR funds is subject to all the provisions of WIA and the WIA Final Rules. These provisions include eight prohibitions. These prohibitions are summarized and referenced below. In addition, summaries and clarifications regarding two activities which are not prohibited but may not be paid for with RR funds are also provided below. The summaries have also been preprinted into the application template.

The RR funds may not be expended for:

1. Encouraging or inducing business relocation [WIA 181(d)].
2. Employment generating activities [WIA 181(e)].

Clarification: Per 20 CFR 667.262(a), employment generating activities are prohibited “unless they are directly related to training for eligible individuals.” Since RR activities are not directly related to training for eligible individuals, the costs of employment generating activities may not be charged to RR funding.

3. Economic development activities [WIA 181(e)].

Clarification: Per 20 CFR 667.262(a), economic development activities are prohibited “unless they are directly related to training for eligible individuals.” Since RR activities are not directly related to training for eligible individuals, the costs of economic development activities may not be charged to RR funding.

4. Investment in revolving loan funds [WIA 181(e)].
5. Capitalization of businesses [WIA 181(e)].
6. Investment in contract bidding resource centers [WIA 181(e)].

7. Activities that are similar to the ones listed in the above items 2 through 6 [WIA 181(e)].
8. Foreign travel [WIA181(e)].
9. Employer outreach and job development activities for individuals.

Clarification: Per 20 CFR 667.262(a), employer outreach and job development activities are defined as being directly related to training for eligible individuals. Since RR activities are not directly related to training for eligible individuals, the costs of employer outreach and job development activities related to specific eligible individuals may not be charged to RR funding. These are the activities listed in 20 CFR 667.262(b)(1) and (8). In addition, the activities listed at 20 CFR 667.262(b)(6) and (7) are considered to be so substantially relevant to the overall WIA program as to be inappropriate to be paid for with special RR funding.

10. Individualized direct services to dislocated workers.

Clarification: Section 101(38)(D) of WIA, 20 CFR 665.310(d) and the Preamble to the Final Rule on pages 49358 and 49359 (left columns) discuss and encourage prompt provision of core services, intensive services, training services, or needs-related payments as part of the RR process. In California, it will be the responsibility of the LWIAs to use their allocated dislocated worker funds to provide such prompt services, as they may identify a need to do so (via their RR work) in order to effectively serve their local dislocated workers. This requirement is consistent with and a logical extension of California's policy of providing RR funds to the LWIAs, rather than conducting RR as a state-level activity. This California strategy allows "marrying" state RR funding with the LWIAs' allocated dislocated worker funds to defray the cost of prompt services to dislocated workers in the context of RR. While applicants may therefore not use the RR application process to request 25 percent funding for such services or payments, a separate application process is available to request 25 percent additional assistance funding that is described in WIA Section 134(a)(2)(A)(ii) and 20 CFR 665.340. State funding provided in response to such requests may be used to continue to serve local dislocated workers identified through RR activities (as well as other dislocated workers).

AMENDMENTS

Applicants must obtain prior written State approval if they find that operational experience necessitates changing the expenditure projection(s) shown in the approved application's Budget Summary Plan by more than 15 percent of any line item. This requirement does not apply, however, if the "15 percent" amount is less than \$5,000. Applicants should consult with their Regional Advisor to determine whether the contemplated deviation necessitates a formal amendment. If approval is needed, the applicant must submit the following items to the Regional Advisor:

1. A letter requesting approval.
2. A written analysis indicating the reasons for the change(s).

3. Appropriate revisions of the relevant pages of the approved application (using, if possible, strike-through and underlining to indicate changes).

Amendments will consist of changed pages of the approved application that are prepared so that when they are interfiled with the rest of the approved application the internal integrity and consistency of the entire document are preserved.

FUNDING INCREASES/DECREASES

Requests for increases of approved funding will be subject to the same review and approval process as new applications. Requests to reprogram or deobligate funds should be submitted as soon as possible after circumstances that permit or necessitate such an action are identified.

REPORTING

By accepting RR funding, the applicant agrees that it will compile and submit reports of activities, expenditures/status of cash, and closeout information by the due dates and in the format prescribed by the State in WIA reporting directives and/or reporting manuals.

MONITORING AND OVERSIGHT

The RR activities are subject to monitoring, audits, and other oversight activities by the State and federal government. The most recently approved or amended application will constitute one of the key bases of judgment in all oversight activities.

APPLICATION FORMAT AND CONTENT

The application consists of a Funding Application Transmittal Page, Signature Page, Narrative, Budget Summary, and Equipment Summary. Preprinted forms for these components follow these instructions. Applicants must complete these documents and submit them as indicated in the covering directive.

Applications may be submitted by program administrators on behalf of local WIA grant recipients, local WIA grant sub-recipients/fiscal agents, or other applicant entities if they have been authorized by their governing body to act in its behalf in WIA matters. The State will honor authorizations that have previously been granted if the scope of such an authorization clearly includes submission of applications for additional WIA funding. While such authorizations have typically been provided previously to the State, usually as part of the sub-grant process, we request that a copy of the governing body's written authorization (such as a Resolution of a City Council, Board of Supervisors, Joint Powers Agency Governing Board, or [in the instance of a "strong mayor" city] a Mayor's signed authorization) be re-submitted with the RR application, to facilitate the RR application review process. The State may request application-specific authorization(s) as necessitated by its contracting procedures. These authorizations may also be requested to confirm that an applicant entity's governing board is willing to accept RR funding and bear liability for its appropriate expenditure.